

## REMARKS

Claims 1, 3-7 and 17-23 are currently pending and stand rejected.

### CLAIM REJECTIONS – 35 U.S.C. § 103(a)

#### Claims 1, 4-8, 11 and 17-19

The Office Action states that Claims 1, 4-8, 11 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wehrmeyer et al. (U.S. Patent No. 3,908,659; hereinafter “Wehrmeyer”) in view of Nystrand et al. (U.S. Patent No. 3,667,468; hereinafter “Nystrand”).

With respect to Claims 8 and 11, Applicants respectfully point out that Claims 8 and 11 were previously canceled from consideration. Accordingly, Applicants respectfully submit that the rejections of Claims 8 and 11 pursuant to 35 U.S.C. § 103(a) are moot.

With respect to Claims 1, 4-7 and 17-19, Applicants have reviewed the cited art and respectfully submit that the embodiments recited in Claims 1, 4-7 and 17-19 are patentable over this art for at least the following rationale.

#### i. Wehrmeyer

It is noted that independent Claim 1, and similarly independent Claims 18 and 19, recites the features (emphasis added):

A body fluid absorbing article ...

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C ....

Applicants respectfully submit that Wehrmeyer, alone or in combination with Nystrand, fails to teach or suggest the specific embodiments of independent Claims 1, 18 and 19.

For example, assuming arguendo that Wehrmeyer discloses regions of two different densities, Applicants nevertheless do not find Wehrmeyer to teach or suggest three different densities. In particular, Applicants do not find Wehrmeyer to teach or suggest:

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

in the precise manner claimed (emphasis added).

To illustrate, Applicants find Wehrmeyer to teach:

In accordance with the present invention, a pattern dry densification of the pad 12 (including both the fiber mat or bat 22 and the envelope tissues 24 and 26) is performed to provide a bilateral staggered pattern of tufts 28 of substantially undensified, i.e., low density regions separated and surrounded by a generally non-linear bilaterally extending pattern of densified regions 30 of higher density so that the resultant absorbent pad structure exhibits both good skin dryness and good softness impression.

Wehrmeyer, column 5, lines 23-32 (emphasis added). However, Applicants do not find “a bilateral staggered pattern of tufts 28 of substantially undensified, i.e., low density

regions separated and surrounded by a generally non-linear bilaterally extending pattern of densified regions 30 of higher density” to teach, or even suggest:

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

as claimed (emphasis added).

The foregoing notwithstanding, the Office Action states:

Applicant does argue, however, that Wehrmeyer/Nystrand does not teach the lower layer has a density B and the remaining portion of the lower layer has a density C. However, Wehrmeyer teaches the densification pattern creating high and low density areas are on the batt 22 as well as envelope tissues 24 and 26

....

See section 1, page 3 of the Office Action (emphasis added). However, as previously explained, assuming arguendo that Wehrmeyer discloses regions of two different densities, Applicants nevertheless do not find Wehrmeyer to teach or suggest three different densities. In particular, Applicants do not find Wehrmeyer to teach or suggest:

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

in the precise manner claimed (emphasis added).

The Office Action also cites to column 6, lines 55-66 and Figure 2 of Wehrmeyer. However, Applicants have also reviewed these portions of Wehrmeyer and nevertheless do not find Wehrmeyer to teach or suggest the features at issue.

ii. Nystrand

With reference now to Nystrand, Applicants do not find Nystrand to overcome the shortcomings of Wehrmeyer. For example, Applicants find Nystrand to teach:

A sanitary napkin which has a fluff layer sandwiched between carrier layers, the sandwich being C-folded to provide a lined channel on one side of the sandwich which encourages more even, rapid, and complete dispersion of body fluids.

Abstract of Nystrand (emphasis added). However, Applicants do not find “[a] sanitary napkin which has a fluff layer sandwiched between carrier layers,” as taught by Nystrand, to teach, or even suggest:

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that independent Claim 1, and similarly independent Claims 18 and 19, are not obvious in view of Wehrmeyer, and in further view of Nystrand, pursuant to 35 U.S.C. § 103(a). As such, allowance of Claims 1, 18 and 19 is respectfully requested.

With respect to Claims 4-7 and 17, Applicants respectfully point out that Claims 4-7 and 17 depend from allowable independent Claim 1, and recite further features. Therefore, Applicants respectfully submit that Claims 4-7 and 17 overcome the rejections under 35 U.S.C. § 103(a), and that each of these claims is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 4-7 and 17 is respectfully requested.

### Claims 18 and 19

The foregoing notwithstanding, it is noted that independent Claim 18, and similarly independent Claim 19, recites the features (emphasis added):

A body fluid absorbing article comprising:  
wherein said lower layer has a width and a length and said upper layer has a width and a length;  
wherein the width of said lower layer is greater than the width of said upper layer ....

It is further noted that the Office Action states:

Nystrand teaches an absorbent having upper and lower layer where the lower layer has a width larger than the upper layer forming a c-fold configuration.

See page 4, paragraph 2 of the Office Action.

However, assuming arguendo that Nystrand teaches an absorbent, which consists of a single layer in a c-fold configuration, Applicants nevertheless do not find Nystrand to teach or suggest:

A body fluid absorbing article comprising:  
wherein said lower layer has a width and a length and said upper layer has a width and a length;  
wherein the width of said lower layer is greater than the width of said upper layer ....

as claimed (emphasis added). Accordingly, appropriate clarification is respectfully requested.

Furthermore, and for thoroughness of reasoning, Applicants finds Nystrand to teach that the absorbent, which consists of a single layer, is folded in a c-fold

configuration. Applicants do not, however, find Nystrand to teach or suggest an absorbent having upper and lower layers where the lower layer has a width larger than the upper layer, in accordance with Claim 18.

### Claim 3

The Office Action states that Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wehrmeyer in view of Fitzgerald (U.S. Patent No. 4,435,178). Applicants have reviewed the cited art and respectfully submit that the embodiment recited in Claim 3 is patentable over this art for at least the following rationale.

Claim 3 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Wehrmeyer in view of Fitzgerald does not teach or suggest the features of Claim 1, it is also demonstrated that Wehrmeyer in view of Fitzgerald does not teach or suggest the embodiment of Claim 3.

As stated above, independent Claim 1 recites the features (emphasis added):

A body fluid absorbing article ...  
wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C ....

Applicants respectfully submit that Wehrmeyer, alone or in combination with Fitzgerald, fails to teach or suggest each and every element of independent Claim 1 at

least because Applicants do not find Fitzgerald to overcome the shortcomings of Wehrmeyer as discussed *supra*.

For example, Applicants find Fitzgerald to teach a “Disposable Absorbent Product having an Embossed Pad containing a Gel Forming Compound”. See title of Fitzgerald. However, Applicants do not find the “Disposable Absorbent Product having an Embossed Pad containing a Gel Forming Compound” of Fitzgerald to teach, or even suggest:

A body fluid absorbing article ...  
wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

as claimed (emphasis added).

The foregoing notwithstanding, the Office Action states:

Fitzgerald discloses ... lower layer 16 inherently has higher density than upper layer 14 and a higher density than the squeeze-out portions lying outside recesses since the lower layer contains recesses 18, 19.

See section 4, pages 4-5 of the Office Action (emphasis added). However, assuming *arguendo* that this characterization of Fitzgerald is correct, Applicants nevertheless do not find Fitzgerald to teach or suggest the claim features at issue.

For example, assuming *arguendo* that Fitzgerald suggests that the absorbent has relations of  $B > A = C$ , wherein the upper layer has a density A, a portion of the lower layer that underlies the upper layer has density B, and the remaining portion of the

lower layer that extends beyond the outer edge of the upper layer has a density C,

Applicants nevertheless do not find Fitzgerald to teach, or even suggest:

A body fluid absorbing article ...  
wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that independent Claim 1 is patentable over Wehrmeyer in view of Fitzgerald. As such, allowance of Claim 1 is respectfully requested.

With respect to Claim 3, Applicants respectfully point out that Claim 3 depends from allowable independent Claim 1, and recites further features. Therefore, Applicants respectfully submit that Claim 3 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 3 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 3 is respectfully requested.

#### Claims 20-23

The Office Action states that Claims 20-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wehrmeyer in view of Nystrand, and in further view of Hasse et al. (U.S. Patent No. 4,685,915; hereinafter "Hasse"). Applicants have reviewed the cited art and respectfully submit that the embodiments recited in Claims 20-23 are patentable over this art for at least the following rationale.



Claim 20 is dependent on independent Claim 1, and includes the features of Claim 1. Claim 21 is dependent on independent Claim 18, and includes the features of Claim 18. Claim 22 is dependent on independent Claim 19, and includes the features of Claim 19. Hence, by demonstrating that Wehrmeyer in view of Nystrand, and in further view of Hasse, does not teach or suggest the features of Claims 1, 18 and 19, it is also demonstrated that Wehrmeyer in view of Nystrand, and in further view of Hasse, does not teach or suggest the embodiments of Claims 20-22.

As stated above, independent Claim 1, and similarly independent Claims 18, 19 and 23, recites the features (emphasis added):

A body fluid absorbing article ...  
wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C ....

Applicants respectfully submit that Wehrmeyer, alone or in combination with Nystrand and/or Hasse, fails to teach or suggest each and every element of independent Claims 1, 18, 19 and 23 at least because Applicants do not find Hasse to overcome the shortcomings of Wehrmeyer and Nystrand as discussed *supra*.

For example, Applicants find Hasse to teach a “Disposable Diaper having Density and Basis Weight Profiled Absorbent Core”. See title of Hasse. Applicants also find Hasse to teach:

the absorbent cores have central portions which are more dense and have higher basis weight per unit area than end portions of the core.

Hasse, column 1, lines 14-16 (emphasis added). Moreover, Applicants find Hasse to teach:

In accordance with one aspect of the invention, the ratio of the average density of the central portion to the average density of each of the end portions is about 2:1 or greater; and, more preferably, 2.5:1 or greater. The central portion is also preferably substantially uniformly dense and of uniform basis weight throughout its extent.

Hasse, column 2, lines 13-19 (emphasis added).

However, assuming arguendo that Hasse discloses regions of two different densities, Applicants nevertheless do not find Hasse to teach or suggest three different densities. In particular, Applicants do not find Hasse to teach or suggest:

wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

in the precise manner claimed (emphasis added).

The foregoing notwithstanding, the Office Action states:

Hasse teaches a profiled absorbent core where the absorbent has uniform densities and basis weights, but the density is higher in the central region of the core.

See page 6, paragraph 1 of the Office Action (emphasis added). However, Assuming arguendo that this characterization of Hasse is correct, Applicants nevertheless do not find Hasse to teach or suggest the claim features at issue.

For example, as previously stated, Applicants find Hasse to teach:

In accordance with one aspect of the invention, the ratio of the average density of the central portion to the average density of each of the end portions is about 2:1 or greater; and, more preferably, 2.5:1 or greater. The central portion is also preferably substantially uniformly dense and of uniform basis weight throughout its extent.

Hasse, column 2, lines 13-19 (emphasis added). However, assuming arguendo that Hasse teaches that the absorbent has relations of  $B > A = C$ , wherein the upper layer has a density A, a portion of the lower layer that underlies the upper layer has density B, and the remaining portion of the lower layer that extends beyond the outer edge of the upper layer has a density C, Applicants nevertheless do not find Hasse to teach, or even suggest:

A body fluid absorbing article ...  
wherein said absorbent has relations of  $B > C > A$ , when said upper layer has a density A, a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer that extends beyond the outer edge of said upper layer has a density C;

as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that independent Claim 1, and similarly independent Claims 18, 19 and 23, is patentable over Wehrmeyer in view of Nystrand, and in further view of Hasse. In particular, Applicants respectfully submit that rejected Claim 23 overcomes the rejection under 35 U.S.C. § 103(a). As such, allowance of Claims 1, 18, 19 and 23 is respectfully requested.

With respect to Claim 20, Applicants respectfully point out that Claim 20 depends from allowable independent Claim 1, and recites further features. With respect to Claim 21, Applicants respectfully point out that Claim 21 depends from allowable independent Claim 18, and recites further features. With respect to Claim 22, Applicants respectfully point out that Claim 22 depends from allowable independent Claim 19, and recites further features. Therefore, Applicants respectfully submit that Claims 20-22 overcome the rejections under 35 U.S.C. § 103(a), and that each of these claims is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 20-22 is respectfully requested.

## CONCLUSION

In light of the above-listed remarks, reconsideration of the rejected claims is requested. Based on the amendments and arguments presented above, it is respectfully submitted that Claims 1, 3-7 and 17-23 overcome the rejections of record. Therefore, allowance of Claims 1, 3-7 and 17-23 is respectfully solicited.

Should the Examiner have a question regarding the instant amendment and response, Applicants invite the Examiner to contact the Applicants' undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

LADAS & PARRY LLP

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By: /Jerry A. Crandall/

Jerry A. Crandall  
Attorney for Applicants  
Reg. No. 56,765

5670 WILSHIRE BOULEVARD,  
SUITE 2100  
LOS ANGELES, CALIFORNIA 90036  
(323) 934-2300

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